

FEBRUARY 15, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Mr. JOSE MUNOZ ,)
)
Plaintiff)
)
v.)
)
MICHAEL B. MUKASEY, Attorney)
General of the United States;)
ROBERT MUELLER, Director,)
Federal Bureau of Investigation;)
MICHAEL CHERTOFF, Secretary of)
Department of Homeland Security;)
EMILIO T. GONZALEZ, Director,)
U.S. Citizenship and Immigration Services;)
RUTH A. DOROCHOFF, District)
Director, Department of Homeland)
Security Chicago District)
)
Defendants.)
_____)

No: _____

08 C 979

JUDGE ANDERSEN
MAGISTRATE JUDGE ASHMAN

Petition for a Hearing on
Naturalization Application
under 8 U.S.C. § 1447(b)

INTRODUCTION

1. Plaintiff is a lawful permanent resident of the United States who is statutorily eligible to naturalize and become a United States citizen. Plaintiff's application for naturalization has been unlawfully delayed by defendants. As a consequence, this Court has jurisdiction to adjudicate Plaintiff's naturalization application and to grant him citizenship pursuant to 8 U.S.C. § 1447(b).

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this case pursuant to 8 U.S.C. § 1447(b) (jurisdiction over naturalization applications), 28 U.S.C. § 1331

(federal question jurisdiction), 28 U.S.C. § 2201 (declaratory judgment) and 5 U.S.C. § 701 (Administrative Procedures Act).

3. Venue is proper in this action pursuant to 28 U.S.C. § 1391(e) and 8 U.S.C. § 1447(b) because Plaintiff resides within the district of this court, Defendants maintain their offices in this district and the USCIS Office in this district is adjudicating Plaintiff's Application for Naturalization.

PARTIES

4. Plaintiff has resided in the United States as a lawful permanent resident since 2000. His claim to naturalization arises under 8 U.S.C. § 1447(b).

5. MICHAEL B. MUKASEY is the Attorney General of the United States, and is sued in his official capacity. Under the direction of the Attorney General, the Department of Justice is the agency of the United States government that has authority to conduct background checks and security checks for individuals who are applying for naturalization.

6. MICHAEL CHERTOFF is the Secretary of the Department of Homeland Security ("DHS"). As of March 1, 2003, DHS is the agency responsible for implementing the Immigration and Nationality Act. Within DHS, the United States Citizenship and Immigration Services is responsible for implementing the provisions under which lawful permanent residents can be naturalized and become United States citizens. *See, e.g.*, 8 U.S.C. § 1421, 8 C.F.R. § 310, and 8 C.F.R. § 316.3. Mr. Chertoff is sued in his official capacity.

7. EMILIO T. GONZALEZ is the Director of the U.S. Citizenship and Immigration Services ("USCIS"), a component of the DHS, which is responsible for the

administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities. Mr. Gonzalez is sued in his official capacity.

8. ROBERT MUELLER is the Director of the Federal Bureau of Investigation, a component of the Department of Justice, and is sued in his official capacity. The FBI has responsibility to complete certain name checks, security checks and other background checks for USCIS and other federal agencies.

9. RUTH A. DOROCHOFF is the District Director of the Chicago District of the U.S. Citizenship and Immigration Services of the Department of Homeland Security. Ms. Dorochoff has been delegated authority to adjudicate applications for naturalization within the Chicago District. Ms. Dorochoff is sued in her official capacity.

FACTS

10. Plaintiff is a native and citizen of Mexico. He was born on November 2, 1954, and has been a U.S. Lawful Permanent Resident since October 10, 2000.

11. On or about July 18, 2005, Plaintiff filed his application for naturalization with the U.S. Citizenship and Immigration Services. On January 5, 2006, Plaintiff was interviewed and examined on his naturalization application at the Chicago District Office of the USCIS.

12. At the examination, Plaintiff passed the tests of English and U.S. history and government as required under 8 U.S.C. § 1423. Nevertheless, he was told by the examining officer that a decision could not yet be made on his application due to a pending FBI background check.

13. Plaintiff's Application for Naturalization, filed on July 18, 2005, has remained pending despite numerous inquiries to defendants about the status of his

application. The U.S. Citizenship and Immigration Services has indicated that it will not adjudicate Plaintiff's application for naturalization until the background checks have been completed.

14. Many more than 120 days have passed since the examination, and Defendants have made no decision on Plaintiff's application in violation of 8 U.S.C. § 1447(b).

15. Plaintiff is eligible for naturalization, meets all the requirements for naturalization, and would have been approved for naturalization if the USCIS had properly followed and implemented the statute.

CLAIMS FOR RELIEF

16. Defendants' failure to make a determination on Plaintiff's application within the 120-day statutory period entitles Plaintiff to bring this matter before this Court for a hearing pursuant to 8 U.S.C. § 1447(b).

17. Plaintiff seeks a de novo judicial determination of his naturalization application and a grant of naturalization from this Court. In the alternative, Plaintiff seeks that the Court remand the application to USCIS with an order that it immediately adjudicate his application.

WHEREFORE, Plaintiff requests that the Court:

- A. Grant this petition and enter a judgment granting Plaintiff's naturalization and ordering that he is a naturalized citizen of the United States;
- B. In the alternative, remand the application to USCIS with an order that it adjudicate the application within 15 days of said order;

- C. Grant attorney's fees and costs under the Equal Access to Justice Act. 28 U.S.C. § 2412(d) & 5 U.S.C. § 504 et seq., and/or other appropriate authority;
- D. Grant such other and further relief as may be appropriate.

RESPECTFULLY SUBMITTED this 15 day of February, 2008,
Jose Munoz

By: /s John Shine
JOHN SHINE
Attorney for Plaintiff

John Shine
James Hallagan
Minsky, McCormick and Hallagan, P.C.
122 S. Michigan Ave. Suite 1800
Chicago, IL 60603
(312) 427-6163
jshine@mmhpc.com

**INDEX OF DOCUMENTS IN SUPPORT OF PETITION FOR A
HEARING ON NATURALIZATION APPLICATION**

1. Receipt Notice, Form N-400, Application for Naturalization, showing receipt date of July 18, 2005.
2. Form N-652, Naturalization Interview Results, showing Plaintiff passed the tests of English and U.S. history and government on January 5, 2006.
3. Status Inquiry Form dated October 5, 2007, whereby Plaintiff was informed by the USCIS Chicago District Office that the FBI background check has been pending since 07/30/2005.
4. Letter from USCIS dated January 4, 2006, stating that Plaintiff's naturalization application has not been adjudicated due to pending background check.
5. Letter from USCIS dated April 25, 2006, stating that Plaintiff's naturalization application has not been adjudicated due to pending background check.
6. Letter dated August 4, 2006, from offices of Senator Richard J. Durbin, regarding delayed naturalization application.
7. Email dated August 2, 2006, from offices of Senator Richard J. Durbin, regarding delayed naturalization application.
8. Email dated October 5, 2006, from offices of Representative Daniel Lipinski, regarding delayed naturalization application.
9. Letter dated May 16, 2007, from offices of Luis Gutierrez, regarding delayed naturalization application.

EXHIBIT 1

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Receipt			NOTICE DATE July 22, 2005
CASE TYPE N400 Application For Naturalization			INS A# A 047 725 145
APPLICATION NUMBER LIN*000802981	RECEIVED DATE July 18, 2005	PRIORITY DATE July 18, 2005	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS JOSE G MUNOZ 9031 S HICKORY LN HICKORY HILLS IL 60457		PAYMENT INFORMATION: Single Application Fee: \$390.00 Total Amount Received: \$390.00 Total Balance Due: \$0.00	
<p> </p> <p>The above application has been received by our office and is in process. Our records indicate your personal information is as follows:</p> <p>Date of Birth: November 02, 1954 Address Where You Live: 9031 S HICKORY LN HICKORY HILLS IL 60457</p> <p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE PO BOX 87400 LINCOLN NE 68501-		INS Customer Service Number: (800) 375-5283	
		APPLICANT COPY	
1 IN\$000753507			

EXHIBIT 2

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#: A47 725145

On 1/5/06, you were interviewed by USCIS officer McElligott

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/_____ read/_____ write _____ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.
- A) **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ☒ **A decision cannot yet be made about your application.** background hold

It is very important that you:

- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

EXHIBIT 3



DEPARTMENT OF HOMELAND SECURITY
U.S. Citizenship and Immigration Service
Chicago District Office

STATUS INQUIRY FORM

FBI
PENDING
Since 7302005

DATE: 10-12-07CORRESPONDENCE DETAILS

On Behalf of (Applicant):

A Number: A47 725 145Name: MUNOZ JOSE
Last First MiddleMailing Address: 9031 S. HICKORY Apt # _____City: HICKORY HILLS State: IL Zip Code: 60457Daytime Phone Number: 312 427 6163Country of Birth: MEX Date of Birth: 11-2-54

☒ Check box if author is same as applicant
(DO NOT complete the following if box is checked)

Type of inquiry:

☐ Applicant ☒ Attorney ☐ CBO

Name: Shine John
Last First MiddleFirm/Organization: Minsky, McCormick, & Hallagan, P.C.Mailing Address: 122 S. Michigan Ave.Suite # or Apt. #: 1800City: Chicago State: IL Zip Code: 60603Phone No.: 312-427-6163CORRESPONDENCE INFORMATION☐ Check if telephonic inquiryClass: GENERAL Request Type (check all that apply): ☐ Address Change ☐ General ☐ Received DocumentsType of Application (check one): ☐ Adjustment of Status ☒ Citizenship

FORM FILED (check boxes below that apply):

DATE APPLICATION FILED: 7-18-05

☐ I-130 ☐ I-485 ☐ I-751 ☐ I-765 ☐ I-824
☐ N-336 ☒ N-400 ☐ N-565 ☐ N-600 ☐ N-643 ☐ Other: _____

REQUEST RESCHEDULE FOR (check one): ☐ Interview ☐ Oath ☐ FingerprintingAdditional Comments: FILED ON 7-18-05. PASSED INTERVIEW ON 1-5-06.
NEVER RECEIVED OATH CEREMONY NOTICE

*** INQUIRIES MAY BE MADE BY APPLICANTS, BENEFICIARIES, ATTORNEYS, AND ACCREDITED REPRESENTATIVES ONLY. IF YOU ARE AN ATTORNEY, A FORM G-28 MUST BE ATTACHED.

*** CBOs MUST INCLUDE A PRIVACY RELEASE SIGNATURE FROM THE APPLICANT:

Signature: _____ Date: _____

*** MAIL INQUIRIES TO: USCIS, CUSTOMER SERVICE, P.O. BOX 3616, CHICAGO, IL 60690

EXHIBIT 4

U.S. Department of Homeland Security
10 W. Jackson Blvd.
Chicago, IL 60604



U.S. Citizenship
and Immigration
Services

January 4, 2006

Frida Kahlo Community Organization
1244 W. 18th Street, 2nd Floor
Chicago, IL 60608

RE: A047728145 – Jose G. Munoz

Dear Madam/Sir,

The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for you yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time-period it takes for the results to be electronically submitted to USCIS and updated in our national records.

We understand your frustration in the delaying of the decision, however, in order to fulfill USCIS mission to provide immigration benefits and services to the public, we must balance our obligations to the individual applicant against our obligations to the public, as a whole. While we strive to process applications timely and fairly, we must also ensure that our policies and procedures will safeguard the public. Consequently, we have adopted background security check procedures that address a wide range of possible risk factors, requiring various levels of scrutiny based on the type of application under consideration.

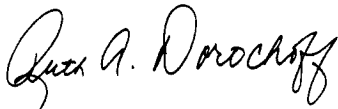
Given the number of applications submitted and the significance of immigration benefits, it is inevitable that some applications will require more attention than others. USCIS relies primarily on three background check mechanisms: the Interagency Border Inspection System (IBIS) name check, the FBI fingerprint check, and the FBI name check. For the vast majority of applicants, these mechanisms allow USCIS to quickly determine whether there are any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified

and must be resolved before any decision can be made on the petition or application. USCIS does not share with applicants or their representative's information regarding the specific nature of the match or the nature or status of any investigation.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth A. Dorochoff". The signature is fluid and cursive, with the first name "Ruth" and last name "Dorochoff" clearly distinguishable.

Ruth A. Dorochoff,

District Director

RAD: Jnl

EXHIBIT 5

U.S. Department of Homeland Security
10 W. Jackson Blvd.
Chicago, IL 60604



U.S. Citizenship
and Immigration
Services

April 25, 2006

Natividad Hernandez
Frida Kahlo Community Organization
1244 W. 18th St
Chicago, IL 60608

RE: A047725145 – Jose Munoz

Dear Natividad Hernandez:

The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your client, Jose Munoz case for adjustment of status, citizenship. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your client has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time-period it takes for the results to be electronically submitted to USCIS and updated in our national records.

We understand your frustration in the delaying of the decision, however, in order to fulfill USCIS mission to provide immigration benefits and services to the public, we must balance our obligations to the individual applicant against our obligations to the public, as a whole. While we strive to process applications timely and fairly, we must also ensure that our policies and procedures will safeguard the public. Consequently, we have adopted background security check procedures that address a wide range of possible risk factors, requiring various levels of scrutiny based on the type of application under consideration.

Given the number of applications submitted and the significance of immigration benefits, it is inevitable that some applications will require more attention than others. USCIS relies primarily on three background check mechanisms: the Interagency Border Inspection System (IBIS) name check, the FBI fingerprint check, and the FBI name check. For the vast majority of applicants, these mechanisms allow USCIS to quickly

determine whether there are any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified and must be resolved before any decision can be made on the petition or application. USCIS does not share with applicants or their representatives information regarding the specific nature of the match or the nature or status of any investigation.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your client must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.

We appreciate your patience and understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Gerard Heinauer".

F. Gerard Heinauer
Acting District Director

MMC: rgd

EXHIBIT 6

RICHARD J. DURBIN
ILLINOIS

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON THE JUDICIARY

COMMITTEE ON RULES
AND ADMINISTRATION

ASSISTANT DEMOCRATIC
LEADER

United States Senate
Washington, DC 20510-1504

August 4, 2006

332 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1304
(202) 224-2152
TTY (202) 224-8180

230 SOUTH DEARBORN, 38TH FLOOR
CHICAGO, IL 60604
(312) 353-4952

525 SOUTH EIGHTH STREET
SPRINGFIELD, IL 62703
(217) 492-4062

701 NORTH COURT STREET
MARION, IL 62959
(618) 998-8812

durbin.senate.gov

Mr. Jose G. Munoz
2258 South Blue Island Ave.
Chicago, IL 60608

Dear Mr. Munoz:

I have received the enclosed response via electronic mail from the Citizenship and Immigration Service, regarding my office's inquiry on your behalf.

CIS indicates your case is still in background checks. I trust that we have been of service to you.

Please feel free to contact my office again if we can assist you in other matters of federal concern.

Very truly yours,



Richard J. Durbin
United States Senator

230 South Dearborn St.
Suite 3892
Chicago, Illinois 60604
312/353-4952

RJD/cd

EXHIBIT 7

Dowdney, Camille (Durbin)

Sent: Wednesday, August 02, 2006 10:10 AM
To: Dowdney, Camille (Durbin)
Subject: RE: Jose Munoz / N400 / A 47 725 145

The Honorable Senator Richard J. Durbin
Office of the Senator
230 S. Dearborn, Suite 3892
Chicago, IL 60604
Attn: Camille Dwodney

This is in response to your inquiry dated July 26, 2006. The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Jose Munoz A 47 725 145. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time period it takes for the results to be electronically submitted to USCIS and updated in our national records.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.



Ruth A. Dorochoff
District Director

EXHIBIT 8

Belmonte, Paula

From:

Sent: Thursday, October 05, 2006 9:48 AM

To: Belmonte, Paula

Subject: RE: A 47 725 145 / Jose D. Munoz Guzman / N 400

October 5, 2006

The Honorable Daniel Lipinski
United States Representative

Attention: Paula Belmonte

Re: A47 725 145- Guzman, Jose D. Munoz

Dear Congressman Lipinski,

Thank you for your follow up inquiry on behalf of your constituent, Jose D. Munoz Guzman. We regret to inform you that our records still reflect that the FBI name check has not cleared. As you are aware, Citizenship and Immigration Services may not proceed with the adjudication of the application or petition until this is resolved. Cases are checked weekly for results to keep the adjudication process ongoing and timely. Once the results of the FBI name check are received, a decision on the pending application will be made in an expeditious manner.

Your patience and understanding is appreciated.

Sincerely,



Ruth A. Dorochoff
District Director

RAD:smg

-----Original Message-----

From: Belmonte, Paula [mailto:Paula.Belmonte@mail.house.gov]

Sent: Thursday, September 14, 2006 11:13 AM

To: CHI-Congressional

Subject: A 47 725 145 / Jose D. Munoz Guzman / N 400

Hello,

A 47 725 145
Jose D. Munoz Guzman
9031 S. Hickory Lane / Hickory Hills / IL 60457
DOB / 11-02-1954

*We can
inquire again
in 3 mos. if like
you would like
call then.
Paula*

N 400 Interview = 01-05-2006 / Passed Test / Waiting for Oath Ceremony / Please Check Status

Thank you,

Paula Belmonte
Daniel Lipinski, M.C.
IL 3rd District

Authorization Release On File

EXHIBIT 9

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2367 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES:

3455 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 394-1655

1310 WEST 18TH STREET
CHICAGO, IL 60608
(312) 666-3882

Congress of the United States
House of Representatives
Washington, DC 20515-1504

COMMITTEES:

FINANCIAL SERVICES

SUBCOMMITTEES

OVERSIGHT AND INVESTIGATIONS
RANKING MEMBER

FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT

INTERNATIONAL MONETARY POLICY,
TRADE AND TECHNOLOGY

VETERANS' AFFAIRS

SUBCOMMITTEE:
HEALTH

May 16, 2007

Mr. Jose Munoz
9031 S. Hickory Lane
Hickory Hills, IL 60457

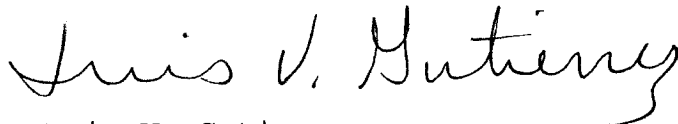
Dear Mr. Munoz:

I am writing to inform you that I have received a response regarding your application for naturalization from the U.S. Citizenship and Immigration Services (CIS).

As you will note from the enclosed response, the CIS states that your application for naturalization is currently on hold while the Federal Bureau of Investigation (FBI) completes its background check on your application. The CIS has informed me that it is uncertain how long this process will take and, therefore, it cannot provide me with an exact time frame. However, if you do not receive a response within 90 days, please contact my office so that I can submit a follow-up inquiry on the process of your application.

I am very pleased that I was able to assist you in this important matter. As always, please feel free to call on me whenever you believe I can be of assistance.

Sincerely,



Luis V. Gutierrez
Member of Congress

LVG:ms
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this 15 of February, 2008, a copy of the attached Petition for a Hearing on Naturalization Application under 8 U.S.C. § 1447(b) was served upon the Defendants by depositing them in the U.S. mail, to be sent certified mail, addressed to:

Michael B. Mukasey
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Robert Mueller
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Michael Chertoff
Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528

Emilio T. Gonzalez, Director
U.S. Citizenship and Immigration Services
425 Eye Street, NW
Washington DC 20536

Ruth A. Dorochoff, District Director,
U.S. Citizenship and Immigration Services
Chicago District Office
101 West Congress Parkway
Chicago, IL 60605

I hereby certify that on this 15 of February, 2008, a copy of the attached Petition for a Hearing on Naturalization Application under 8 U.S.C. § 1447(b) was served via hand delivery upon:

Sheila M. McNulty
Special Assistant United States Attorney
219 S. Dearborn Street, 5th Floor
Chicago, IL 60604

/s John Shine

JOHN SHINE
Minsky, McCormick and Hallagan, P.C.
122 S. Michigan Ave. Suite 1800
Chicago, IL 60603